

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 11, 1929.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller and Reed, 3; absent, Councilmen Pannell and Steck, 2.

The Minutes of the last meeting were read and Councilman Mueller moved the adoption of same as read. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller and Reed, 3; nays, none, Councilmen Pannell and Steck absent.

Councilman Reed moved that the Mayor be directed to address a letter to Roger B. Tyler, Imperial Potentate, and Dr. H. E. Baxter, Director of the Shrine Band, for the concert given by said band on the evening of Tuesday, April 9th. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Reed, 4; nays, none, Councilman Steck absent.

* Councilman Pannell entered the Council Chamber.

Councilman Steck entered the Council Chamber.

T. J. Butler appeared before the Council to protest against the opening of the old County Road adjacent to his property leading to the River. A.J. Zilker was also present and urged that the City not rescind its action, taken at the last meeting, ordering this road opened. The Council agreed that said action should stand and the road opened.

Mayor McFadden laid before the Council the application of S. W. Redd to operate a drive-in ice station at 1620 South Congress Avenue; also the following report of the Safety Committee upon same:

"Austin, Texas, April 11, 1929.

Hon. Mayor and City Council,

Gentlemen:

We, your committee on the application of S. W. Redd, asking permission to install and operate a drive-in ice station at 1620 South Congress Avenue, make the following report.

We, the committee, recommend that this permission be granted subject to the following conditions:

1. That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
2. That all equipment used in connection with the operation of the drive-in ice station shall be so located that cars receiving service therefrom will not in any manner obstruct the sidewalk, street or alleyway.
3. That electric lights only shall be used for lighting purposes and all electric wiring shall be done in compliance with regulations governing the wiring of filling stations, and shall be approved by the City Electrical Department.
4. That provision shall be made to take care of waste oils and water by having the proper connections with storm sewer on the east side of Congress Avenue at the expense of the applicant. Connections to be made under the supervision of the City Engineering Department.
5. That a plan of the ice station hereto attached, marked 2-G-124, showing the proposed location of equipment, driveways and methods of draining away waste water and oils shall be filed with and approved by the City Engineer before the commencement of construction.
6. That after a permit has been granted to the applicant that he shall secure grades of walks and drives from the City Engineering Department and that he shall submit a plan showing grades of the interior of the station to be approved by the City Engineer before proceeding with any interior construction.

7. That all adjacent walks, ramps, gutters and curbs shall be constructed of concrete and all construction shall conform to the attached plan of the development marked 2-G-124.

8. That permission shall be granted subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating filling stations, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said S.W.Redd has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

Signed: J. E. Woody, Fire Chief;

Robt. Rockwood, Fire Marshal;

Orin E. Metcalfe, City
Engineer.

CITY SAFETY COMMITTEE.

Councilman Mueller moved that permit be granted to said S. W. Redd, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, plans are underway for the construction of a building for The Austin National Bank of Austin, Texas, to be situated on the north half of Lot 2 and the south half of Lot 3 in Original Block 56, City of Austin, and the plans of said building contemplate the use of the space under the sidewalk on Congress Avenue abutting on said property; and in order to effect such user, it will become necessary for the contractor to excavate in and under the present sidewalk and to construct in lieu thereof another sidewalk adequate for pedestrian traffic; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. That the Austin National Bank of Austin, Texas, hereinafter termed "The Austin National Bank", as the owner of said building, and any contractor, hereinafter termed Contractor, selected by the owner to construct said building, be granted the privilege to excavate in and under the sidewalk on Congress Avenue abutting on the north half of Lot 2 and the south half of Lot 3 in Original Block 56, City of Austin, to the proper depth contemplated in the plans of said building and hereto attached, and that thereafter said Austin National Bank, as the owner of said building, and its successors and assigns, may occupy and use the space under said sidewalk, subject to the terms and limitations hereinafter set forth.

2. That the above privileges are granted to said Austin National Bank and its Contractor upon the following express terms and conditions:

(1) That said Contractor shall construct, in lieu of the sidewalk now existing at said place, a sidewalk in accordance with the present sidewalk and curb ordinances in so far as applicable, and with lines to be furnished by the City Engineer, containing the width from the west property lines of Lot 2 and Lot 3, Original Block 56, City of Austin, to the outer face of the curb as follows: the west face of the curb on the east side of Congress Avenue shall be twelve (12) feet west of and parallel to the established east line of Congress Avenue.

No part of the pilasters or west wall of the building above the sidewalk grade shall extend west of the established east line of Congress Avenue.

(2) That the sidewalk shall be constructed in accordance with the following specifications: The edge of the sidewalk adjacent to the building shall be supported with girders and columns of sufficient size and reinforcement to carry the dead

weight of the sidewalk slab, a live load of two hundred and fifty (250) pounds per square foot over the sidewalk and any superimposed dead or live loads over said supporting girders and columns, to the sidewalk or building foundation. The sidewalk shall be constructed of a reinforced concrete slab of at least 6 inches in thickness and reinforced with $5/8$ inch round reinforcing bars, spaced not more than 5 inches center to center. The outside edge of the sidewalk shall be supported and the earth under the street held back with a reinforced concrete retaining wall, at least 12 inches in thickness and not more than 12 feet in height, measured from the top of the basement floor to the bottom of the sidewalk slab, and shall be reinforced with at least $3/4$ inch round reinforcing bars, spaced not more than 12 inches center to center, and $1/2$ inch round spacer bars, not more than 24 inches center to center, with at least two $3/4$ inch round reinforcing bars in the base of the retaining wall running parallel to it.

The finished surface of the sidewalk shall have at least a wood float finish, the finish coat to be poured monolithic with the top slab, or if not poured monolithic with the slab the finish coat which shall be not less than $3/4$ inch in thickness shall be applied the same day that the top slab is poured. No coarse aggregate shall be visible after surface has been finished.

All dimensions and quantities of reinforced concrete and reinforcing steel in the above described construction are based upon the assumption that the concrete shall test at least 2,000 pounds per square inch in compressive strength 28 days after pouring, and that reinforcing steel shall test a sufficient tensile strength to give an allowable working stress of 20,000 pounds per square inch.

(3) That said Contractor will be required to change the sidewalk and retaining wall lines where, in the opinion of the City Engineer, it becomes necessary to do so, to allow any pipes, conduits, storm water intakes and the like to extend east of the Congress Avenue curb line as set forth. Where the retaining wall is offset to pass around any of the above described pipes, conduits and storm water intakes, a thickness of 12 inches in the wall shall be maintained, which same to be reinforced with $3/4$ inch round reinforcing bars, spaced not more than 12 inches center to center. Where the sidewalk slab passes over any pipes, conduits, storm-water intakes, and the like, the same shall be supported by beams, or supporting members of ample size and proper reinforcement to carry the dead and live load anticipated in the sidewalk design to the footings or retaining wall foundations, without placing a strain upon any pipes, conduits, storm-water intakes, and the like.

(4) If at any time before the sidewalk is constructed the work of erecting the building is abandoned, said Austin National Bank and its contractor, by the acceptance and employment of the privileges herein granted, nevertheless are obligated to construct the sidewalk to completion upon notice from the City Manager of the City of Austin, Texas, to do so, said construction to be in accordance with attached plan and specifications, and to the full satisfaction and approval of the City Manager and according to the contractors separate written agreement and bond with the City, irrespective of the fact that building activities may have ceased; and in the event that building activities have ceased, said Austin National Bank and Contractor shall in addition, construct a reinforced concrete guard rail not less than four and one-half ($4\frac{1}{2}$) feet in height along the west property line of said Lots 2 and 3 in Block 56, the design of said

guard rails to be approved by the City Manager.

(5) That the use and enjoyment of the space herein granted, shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space at any time with its public utilities or for other necessary public purposes.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council application of Magnolia Petroleum Company to erect a drive-in gasoline filling station on the northeast corner of East First and Neches Streets; also the following report of the Safety Committee upon same:

"Austin, Texas, March 8, 1929.

Mr. Adam R. Johnson,
City Manager,

Dear Sir:

In regard to the application of the Magnolia Petroleum Company, asking for permission to erect a gasoline filling station at East 1st and Neches Streets, we wish to state:

That the following members of the Safety Committee do not approve this location for a filling station for the following reasons:

That in our opinion the erection and operation of a filling station at this location would be an increased hazard to the pedestrian traffic that uses these streets.

East First Street and Neches Street are the only streets serving the children of Palm School who live west of Waller Creek, and the location desired is directly in this line of travel.

The heavy traffic on East First Street, which is the main street leading into the southeast part of the City, would be interrupted to a certain extent by the cars coming in and out of this station, and an added traffic hazard would be created.

Signed: J. E. Woody, Fire Chief;
R. F. Rockwood, Fire Marshal;
Orin E. Metcalfe, City
Engineer.
J. Bouldin Rector, City
Attorney.

CITY SAFETY COMMITTEE."

Councilman Reed moved that the above report of the Safety Committee be adopted and that permit be refused the Magnolia Petroleum Company in accordance with same. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The application of L. B. Burnette to erect a gasoline filling station at the southeast corner of Duval and 45th Streets was read and laid over until the next regular meeting.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to purchase from R. C. Lambie, in the name of the City of Austin, for a cash consideration

of Fifteen Hundred (\$1500.00) Dollars, and upon showing of good and merchantable title in said owner at the time of conveyance, free from all liens and incumbrances, as determined by the City Attorney, and upon delivery to the City of the owner's General Warranty Deed, the following described land, to-wit: Lot Number Three (3) and part of Lot Number Four (4) in Block Number Thirteen (13) City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to purchase from John Quist, in the name of the City of Austin, for a cash consideration of Twenty-five Hundred (\$2500.00) Dollars, and upon showing of good and merchantable title in said owner at the time of conveyance, free from all liens and incumbrances, as determined by the City Attorney, and upon delivery to the City of the owner's General Warranty Deed, the following described land, to-wit: South part of Lot Number Four (4), in Block Number Thirteen (13), of the City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to purchase from A. J. Raif, in the name of the City of Austin, for a cash consideration of Two Thousand (\$2,000.00) Dollars, and upon showing of good and merchantable title in said owner at the time of conveyance, free from all liens and incumbrances, as determined by the City Attorney, and upon delivery to the City of the owner's General Warranty Deed, the following described land, to-wit: the North part of Lot Number Four (4), Block Number Thirteen (13), City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to purchase from Augustine G. Nunez, in the name of the City of Austin, for a cash consideration of Thirty-one Hundred and Fifty (\$3150.00) Dollars, and upon showing of good and merchantable title in said owner at the time of conveyance, free from all liens and incumbrances, as determined by the City Attorney and upon delivery to the City of the owner's General Warranty Deed, the following described land, to-wit: East part of Lot Number Five (5), Block Number Thirteen (13), City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to purchase from E. E. Bustin, in the name of the City of Austin, for a cash con-

sideration of Twenty-four Hundred Dollars (\$2400.00), and upon showing of good and merchantable title in said owner at the time of conveyance, free from all liens and incumbrances, as determined by the City Attorney, and upon delivery to the City of the owner's General Warranty Deed, the following described land, to-wit: West part of Lot Number Five (5), Block Number Thirteen (13), City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

A communication, signed by a number of photographers of the City, asking for some regulation of itinerant photographers in the City, was read and the matter taken under advisement.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, Austin Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Austin Gas Company be and the same is hereby permitted to lay and construct gas mains in and under the following streets:

(1) A 2 inch high pressure gas main on W. Live Oak Street, beginning at a point 15 feet west of and 23 feet south of the intersection of the east line of Newton Street and the north line of West Live Oak Street;

Thence westerly along a line 23 feet distant from and parallel to the north line of West Live Oak Street to the west line of Wilson Street, said gas main to have a cover of not less than 1 1/2 feet.

(2) A 2 inch gas main on W. 12th Street, beginning at a point 181 feet east of and 20 feet south of the intersection of the east line of Shelley Avenue, and the north line of West 12th Street.

Thence easterly along a line 20 feet distant from and parallel to the north line of West 12th Street to the west line of Blanco Street, said gas main to have a cover of not less than 1 1/2 feet.

(3) A 4 inch gas main on West 30th Street, beginning at a point 430 feet west of and 26 feet south of the intersection of the west line of Speedway and the north line of West 30th Street.

Thence westerly along a line 26 feet distant from and parallel to the north line of West 30th Street to the east line of University Avenue, or Avenue "E", said gas main to have a cover of not less than 1 1/2 feet.

(4) A 4 inch gas main on Westover Road, beginning at a point 19 feet west of and 20 feet south of the intersection of the east line of Waverly Avenue and the north line of Westover Road.

Thence easterly along a line 20 feet distant from and parallel to the north line of Westover Road to the west line of Oakhurst Avenue, said gas main to have a cover of not less than 1 1/2 feet.

(5) A 4 inch gas main in the alley between Congress Avenue and Colorado Street, beginning at a point 25.5 feet north of and 1.5 feet west of the intersection of the south line of West 7th Street and the center line of said alley.

Thence northerly along a line 1.5 feet distant from and parallel to the center line of said alley to a point 100 feet north of the north line of West 7th Street.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager and under all pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following ordinance, which had been read at the last regular meeting and laid over:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF A PORTION OF EAST ELEVENTH STREET AND PORTIONS OF SUNDRY OTHER STREETS AND HIGHWAYS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING CONTRACT AND BOND, AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

The above ordinance was read the second time and Councilman Pannell moved that the rule be suspended and the ordinance placed on its third reading. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed and Steck, 5; nays, none.

Mayor McFadden laid before the Council the application of J. L. Teague for permit to operate a drive-in gasoline filling station at the northeast corner of Guadalupe and Forty-fourth Streets; also the following recommendation of the Safety Committee upon same:

"Austin, Texas, April 11, 1929.

Hon. Mayor and City Council:

Gentlemen:

We, your committee on the application of J. L. Teague asking permission to install and operate a drive-in gasoline filling station at 4401 Guadalupe Street, make the following report:

We, the committee, recommend that this permission be granted subject to the following conditions:

1. That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
2. That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
3. That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State Regulations governing such installations/ All equipment to be inspected and approved before being placed in service.
4. That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any manner obstruct the sidewalk, street or alleyway. The pumps shall be at least ten feet inside the property line.
5. That electric lights only shall be used for lighting purposes and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.
6. That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.
7. That there shall be kept in an accessible place at all times, a chemical fire extinguisher for emergency use.
8. That provision shall be made to take care of waste oils and water by having the proper connections with storm or sanitary sewer in accordance with accompanying plan marked 2-G-125. Connections to be made under the supervision of the City Engineering Department.
9. That the plan of the filling station, hereto attached marked 2-G-125, showing the proposed location of pumps, driveways and methods of draining away waste water and oils shall be following during construction of the station.

That all waste oil and water drains, dumps, sand and grease traps and pipe connecting same with city storm sewer shall be inspected and approved by the City Plumbing Inspector and that the applicant shall make special application to the Plumbing Inspector for instructions as to method of installations and for inspections.

9b. That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector.

9c. That all adjacent walks, ramps, gutters and curbs shall be constructed of concrete and all construction shall conform to the attached plan of the development marked 2-G-125.

10. That permission shall be granted subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling stations, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said J. L. Teague has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Signed) J. E. Woody,
Fire Chief.

Orin E. Metcalfe,
City Engineer

CITY SAFETY COMMITTEE

Councilman Mueller moved that permit be granted to said J. L. Teague, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Councilman Pannell moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Council then recessed.

Approved: 
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 18, 1929.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; absent, none.

The Minutes of the last meeting were read and Councilman Pannell moved that same be adopted as read. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

W. Trenckmann, Attorney for Chas. McCullough, appeared before the Council and requested that a judgment for Fifty Dollars (\$50.00) obtained against the City in favor of said Chas. McCullough, for alleged damages to his automobile, be paid out of this year's appropriations. The Council took the matter under advisement.